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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,518	07/14/2000	Leslie G. Fritzemeier	05770-132001	5477

7590 12/21/2001  
Fish & Richardson PC  
225 Franklin Street  
Boston, MA 02110

EXAMINER

CUNEO, KAMAND

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.



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9/16/7518

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

10

This is a communication from the examiner in charge of your application.  
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### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 9/27/01

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-33 is/are pending in the application.  
Of the above, claim(s) 27-33 is/are withdrawn from consideration.
- ☒ Claim(s) 1-26 is/are allowed.
- ☐ Claim(s) is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on 7/14/00 is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been:
- ☐ received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4/6/7 (4 pages)
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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**DETAILED ACTION**

***Election/Restriction***

1. Applicant's election without traverse of species 1, claims 1-26 and 29-33 in Paper No. 9 is acknowledged.
2. Claims 29-31 are directed to the embodiment of figure 3A which is a nonelected embodiment. Therefore, these claims are withdrawn from consideration. Claims 32-33 are drawn to the embodiment of figure 4A which is a nonelected embodiment. Therefore, these claims are withdrawn from consideration also.

Accordingly, only claims 1-26 are drawn to the elected embodiment of figure 1A and are examined.

As applicant has NOT agreed that claims 29-33 are nonelected without traverse, examiner cannot cancel these claims. Applicant must cancel the nonelected claims 29-33 (cancellation of claims 27-28 is also recommended) so claims 1-26 can be issued.

***Drawings***

3. The drawings are objected to for the following reasons.

Figures 1B-4B are improperly cross hatched. All of the parts shown in section, and only those parts, must be cross hatched. The cross hatching patterns should be selected from those shown on page 600-81 of the MPEP based on the material of the part. See also 37 CFR 1.84(h)(3) and MPEP 608.02.

Drawing corrections in compliance with MPEP 608.02(v) are required in response to this office

action.

### *Specification*

4. The specification is objected to for the following reasons.

The application numbers referred to at pages 15, 17, 18, 21, 23, 27 of the specification should be filled in.

The publications listed in the last two paragraphs of page 16 should be submitted on a 1449 for consideration. Examiner was not able to obtain copies of these references.

The abstract is objected to for being more than one paragraph.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Correction is required of these and any similar errors in response to this office action.

### *Treatment of Claims Based on Prior Art*

5. Claims 1-26 are allowed. The prior art, while teaching the layered structure of one of the

*the*  
*12/16/19* elements or subconductors, does not suggest two such <sup>elements</sup> ~~layers~~ being joined at the cap layers.

### *Related Prior Art*

6. The following references are considered pertinent to the present application.

Budai et al. (5968877) disclose the layered structure of a single subtape (substrate, buffer, HTS).

Arendt et al. (5872080) discloses a nickel alloy substrate with metal oxide and YSZ buffer layers

and YBCO HTC layer (20).

Nies (6309767) also discloses a substrate (3), buffer 4), HTS (5) and cap (6).

Laskaris (5047741) discloses superconducting layers (27) joined at cap layer (25). Nevertheless, there is only one cap layer. Furthermore, the superconductors are not high temperature.

Tanaka et al. (5430011) discloses in figure 4, two HTC layers joined, but fails to teach two cap layers, one on each of the HTC layers, the HTC layers being joined at the cap layers.

*Closing*

7. Any inquiries related to the examination of this application should be directed to Ex. K. Cuneo at (703) 308-1233 or her supervisor Ex. J Gaffin at (703) 308-3301. Inquiries of a general nature should be directed to the receptionist of Group 2800 at (703) 308-0956. The fax numbers for Group 2800 are (703) 308-7722 and 7724.



K. Cuneo  
Primary Examiner Group 2841  
December 16, 2001